



Police and mental health

This guide explains when you may have contact with the police, what happens if you are arrested and what your rights are if you are taken to the police station.

Please note:

- This guide covers dealing with the police from the point of view of a person with a mental health problem.
- This guide applies to England and Wales.
- This guide contains general legal information, not legal advice. We recommend you get advice from a specialist legal adviser or solicitor who will help you with your specific situation and needs. See [Useful contacts](#) for more information.
- The legal information in this guide does not apply to children unless specifically stated.

If you require this information in Word document format for compatibility with screen readers, please email: publications@mind.org.uk

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Quick facts

- Sometimes people with mental health problems may come into contact with the police. The three most common ways are:
 - as a victim of crime
 - if you are unwell or vulnerable
 - if you are accused of committing a crime.
- Our [2013 report](#) reveals that people with mental health problems are:
 - more likely to be victims of crime
 - likely to feel the impact of being a victim of crime more acutely
 - less likely to get the support they need.
- If you are arrested for committing a crime, it is important that you tell the police (and other professionals) that you have a mental health problem so that you receive the right care and support.
- You have [certain rights](#) if you are taken to the police station, including the right to free legal advice and the right to medical help.
- If you are unhappy with the way the police treated you, you can complain to your local police station through the [Police.uk website](#) or, in some cases, through the [Independent Police Complaints Commission](#). You should report your concerns within 12 months of the incident.

Terms you need to know

Term	Meaning
Appropriate adult	<p>An appropriate adult will protect your welfare and rights and make sure that you understand the information at the police station if you are a child or vulnerable adult. They can help you communicate with the police and your legal adviser.</p> <p>Some people are not allowed to be an appropriate adult:</p> <ul style="list-style-type: none"> • anyone under the age of 18 • anyone you have told that you are guilty or were involved in the incident • anyone who might be a suspect, victim, witness or otherwise involved in the investigation • solicitors and independent custody visitors at the police station in those capacities • police and their employees.
Appropriate healthcare practitioner	<p>This is the term used for the medical professional who is called to the police station if you need medical assessment or treatment.</p>
Arrest	<p>The police will stop you and detain you if they are investigating or preventing a crime and think that you are involved.</p>

Bail	Release from custody, possibly with certain conditions attached (for example to return to the police station or to go to court at a certain time).
Caution	This could be two different things: <ul style="list-style-type: none"> • A formal warning given by a senior police officer, usually in a police station, after a person has committed an offence. This is used instead of charging and potentially prosecuting someone. • A statement read to you when you are arrested, interviewed and charged.
Charge	This means that you have been formally accused of committing a crime. You will be given a paper called the charge sheet which will have details of the allegations and the date you have to go to court, as well as any conditions of bail.
DBS check	A check of your criminal record carried out by the Disclosure and Barring Service . This used to be called a 'CRB check'.
Custody officer	This is the police officer who is in charge of running the police custody area. They are responsible for your care and welfare whilst in the station.
Duty solicitor	This is the solicitor or specialist legal adviser who will be available to give you advice at the time that you are taken to the police station. They are completely independent of the police and you do not have to pay for them to attend the police station. You are allowed to choose your own if you prefer.
Independent Police Complaints Commission (IPCC)	The IPCC oversees the police complaints system in England and Wales. You can contact them through their website: ipcc.gov.uk
Legal aid	Legal aid can help meet the costs of legal advice, family mediation and representation in a court or tribunal. It is given to people who cannot otherwise afford legal representation. Your solicitor will fill in the form with you as you'll usually need to show that: <ul style="list-style-type: none"> • your case is eligible for legal aid • the problem is serious • you can't afford to pay for legal costs. However, legal advice at a police station is free and not dependent on your finances.

<p>Liaison and Diversion</p>	<p>Liaison and Diversion services identify people who have mental health problems, a learning disability, substance misuse or other vulnerabilities when they first come into contact with the criminal justice system as suspects, defendants or offenders.</p> <p>You should be assessed by someone from this service, who will:</p> <ul style="list-style-type: none"> • provide an immediate recommendation on your needs • produce an assessment report that can be made available to criminal justice professionals • contact a broad range of services to try to put treatment for your other needs in place.
<p>Mental Health Act 1983 (MHA)</p>	<p>This is a law that applies to England and Wales which allows people to be detained in hospital (sectioned) if they have a mental illness and need treatment. You can only be kept in hospital if certain conditions are met.</p> <p>See our pages on the Mental Health Act for more information.</p>
<p>Police and Criminal Evidence Act 1984 (PACE 1984)</p>	<p>This is the law that sets out the rules that the police must follow when you are arrested about how they treat you.</p>
<p>PACE codes of practice</p>	<p>This is practical guidance about how the police should use their powers and follow the rules in Police and Criminal Evidence Act 1984 (PACE 1984).</p>
<p>Place of safety</p>	<p>A locally agreed place where the police may take you to be assessed. It's usually a hospital but can be your home. A police station should only be used in an emergency.</p>
<p>Remand</p>	<p>Instead of releasing you on bail a court can decide that you will stay in prison until your next court appearance. Sometimes you can be remanded to hospital instead of prison.</p>
<p>Released under investigation</p>	<p>After arrest, instead of releasing you on bail with conditions, the police can decide to release you under investigation (often referred to as 'RUI'). This is not the same as being released on bail, as you do not have any conditions and there is no date upon which you must return to the police station.</p> <p>Being released under investigation does not mean that the police have decided to take no further action against you. It simply means that they are continuing their investigation.</p>

Section	<p>In this guide, being 'sectioned' means that you are kept in hospital under the Mental Health Act. There are different types of sections, each with different rules to keep you in hospital. The length of time that you can be kept in hospital depends on which section you are detained under.</p> <p>See our pages on sectioning for more information.</p>
Sentence	<p>If you have been to court and they have found you guilty or you have pleaded guilty you will be given a sentence by the judge. This could be a range of sentences including a community sentence such as doing unpaid work, going to prison or going to hospital.</p>

When do the police get involved?

The three most common ways that people with mental health problems come into contact with the police are if they are:

- [a victim of crime](#)
- [unwell or vulnerable](#)
- [accused of committing a crime](#)

Victim of crime

In 2013, we published the report [At risk, yet dismissed](#) with the charity [Victim Support](#). Findings show that people with mental health problems are:

- three times more likely to be a victim of crime than the general population
- five times more likely to be a victim of assault (rising to 10 times more likely for women)
- more likely to be a repeat victim and experience different types of crime
- far less likely to be satisfied with the service and support they receive.

You can read our page on [what to do if you are a victim of crime](#).

Unwell or vulnerable

If people are worried about you and think that you may be unwell or vulnerable, the police have special powers under the Mental Health Act:

- [Section 135](#) allows a police officer to enter property with a warrant and take you to a [place of safety](#) for assessment.
- [Section 136](#) allows a police officer to take you to a place of safety for assessment under the Mental Health Act if you are in a public place.

For more information see our pages on [the Mental Health Act](#).

Accused of committing a crime

If you have been accused of committing a crime, the police will want to question you and to look into it. The following pages in this resource explain what the procedure for this is, and what your rights are in this situation.

Can I be interviewed if I am not arrested?

The police may ask to go to the police station for a **voluntary interview**. It is up to you whether you agree. Some things to think about:

- You have the right to a solicitor present – even for a voluntary interview.
 - The police must arrange an [appropriate adult](#) to attend the interview with you if you need one.
 - As you haven't been arrested the police can't impose [bail](#) conditions after the interview.
 - You don't have the right to be examined by a doctor/nurse and have your fitness assessed for a voluntary interview.
 - If you don't agree to go voluntarily for the interview, the police may consider whether to have the interview under arrest (see our page on [being arrested](#)).
- You should to speak to a solicitor before you decide whether to have a voluntary interview.

What happens if I am arrested?

What happens is:

1. [you are arrested](#)
2. [you are cautioned](#)
3. [you are taken to the police station](#)

You are arrested

The police can arrest you without a warrant if they suspect (reasonably) that you have committed an offence, or are about to commit one, and they need to arrest you to:

- prevent you causing injury to yourself or others or damaging property
- investigate the offence
- stop you from disappearing
- take your name or address if you refuse to tell them, or if they doubt (reasonably) you've given them your real name and address.

If you are arrested the police must:

- identify themselves as the police
- tell you that you're being arrested
- tell you what crime they think you've committed
- explain why it is necessary to arrest you
- explain that you're not free to leave.

You are cautioned

This is when police say to you: "You do not have to say anything, but it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say may be given in evidence."

You are taken to the police station

You will be taken to a police station if you are not already there. If you try to escape or become violent the police can use 'reasonable force'. They may also handcuff you to take you from one place to another.

What happens at the police station?

You will go to the custody area (suite). When you first see the custody officer:

- They will ask you some questions about yourself and will complete a custody record and a risk assessment.
- If they think that you are incapable of understanding the questions due to your mental health problem or other vulnerability they must:
 - call an [appropriate healthcare practitioner \(AHCP\)](#) to assess you
 - ask the AHCP if you are fit to be detained and/or interviewed
 - refer you to the [Liaison and Diversion](#) service
 - s/he must call an [appropriate adult](#) to be there when certain procedures are carried out.
- They must tell you that you are entitled to free legal advice there and then, or at any time during your detention, and they can call the [duty solicitor](#) (or your own solicitor if you have one).
- They will authorise your finger prints, DNA samples and your photograph being taken.
- They may authorise you to be searched, breathalysed or be given a urine drug screen test.
- They may authorise removal of clothing for forensic examination if relevant.

After seeing the custody officer you will be held in a cell or detention room. If you are considered to be vulnerable you should have frequent visits by the custody staff to check you are ok.

What are sections 135 and 136?

What is section 135?

Section 135 allows the police to enter your home and take you to (or keep you at) a [place of safety](#) so that a mental health [assessment](#) can be done. This could involve keeping you at home.

The police must have a warrant from the magistrate's court allowing them to enter your home. An application for a warrant must be made by an [approved mental health practitioner \(AMHP\)](#), and can be given where there is [reasonable cause to believe](#) that you:

- have a [mental disorder](#), and
- are being ill-treated or neglected, or
- are unable to look after yourself.

The police must be accompanied by an [AMHP](#) and a [registered medical practitioner](#).

The police can keep you at the [place of safety](#) for up to 24 hours, which can be extended for another 12 hours if it was not possible to assess you in that time. The time starts when you arrive at the place of safety, or whenever the police arrived if you are not taken somewhere else.

What is section 136?

Section 136 allows the police to take you to (or keep you at) a [place of safety](#). They can do this without a warrant if:

- you appear to have a [mental disorder](#), AND
- you are in any place other than a house, flat or room where a person is living, or garden or garage that only one household has access to, AND
- you are “in need of [immediate care or control](#)” (meaning the police think it is necessary to keep you or others safe).

Before using section 136 the police must consult a [registered medical practitioner](#), a registered nurse, or an [AMHP](#), occupational therapist or paramedic.

The police can keep you at the place of safety for up to 24 hours, which can be extended for another 12 hours if it was not possible to assess you in that time. The time starts when you arrive at the place of safety, or whenever the police arrived if you are not taken somewhere else.

What is a 'place of safety'?

A place of safety can be:

- a hospital
- a care home
- a police station
- your or someone else's home or room
- other suitable premises where the manager of those premises agrees.

Your home or room can only be used as a place of safety if you agree and, if you live with other people, they agree too. Someone else's home or room can only be used if you both agree.

A police station can only be used as a place of safety if your behaviour poses an imminent risk of serious injury or death to yourself or another person. The decision must be authorised by an inspector after consulting with a [registered medical practitioner](#), a registered nurse, an [appropriate healthcare practitioner](#), an occupational therapist or a paramedic.

Rules for using a police station as a place of safety

If a police station is used as a place of safety the following rules apply:

- The police must check on your welfare every 30 minutes.
- A healthcare professional should be available throughout.
- The police must review at least hourly (or every three hours if you're asleep) whether you still need to be kept at a police station rather than some other place of safety. If you no longer need to be at a police station they should transfer you to another place.

Police stations must never be used as a place of safety for anyone under the age of 18.

Can I challenge the police's decision?

There are **no rights to appeal** to the [Mental Health Tribunal \(MHT\)](#) if you are taken to (or kept at) a place of safety under sections 135 or 136.

If you feel you've been treated unfairly you could:

- **Make a complaint.** See our pages on [complaining about health and social care](#) for information on how to do this.

- **Seek legal advice about bringing a claim for unlawful detention**, if you think the police have not followed the legal requirements under sections 135 or 136 (described on this page above).

You can get in touch with a solicitor by using the Law Society's [find a solicitor tool](#), or by calling them. You can ask for a solicitor based on what area of law they specialise in, and where they are located. (See [useful contacts](#) for details on how to get in touch with the Law Society.)

What are my rights at the police station?

<p>Free legal advice</p>	<ul style="list-style-type: none"> • You have a right to legal advice when you are arrested and before you are questioned. • You can either ask to see the duty solicitor or contact a specific legal adviser. • You do not have to pay for the advice at the police station. • The solicitor will tell you whether you can get legal aid for more advice. • Sometimes, you may be given legal advice over the telephone instead of in person. • Even if at first you say you do not want legal advice, you can change your mind later and tell the police. • This advice will be independent and given in private.
<p>Rights in writing and in your first language</p>	<ul style="list-style-type: none"> • You have rights that the police must follow, which include having regular meals and how long you can stay in the police station. Read these rights here on the Gov.uk website. • These rights must be given to you in writing and in your language.
<p>You are entitled to a free interpreter or signer</p>	<ul style="list-style-type: none"> • If you are D/deaf or English isn't your first language you are entitled to a free interpreter or signer.
<p>Tell someone where you are</p>	<ul style="list-style-type: none"> • You can ask the police to contact someone to know that you are at the police station (such as a friend or family member). You will not have to pay for this. • If you are not from the UK you can tell your embassy or consulate where you are. You should tell the police that you want them to be contacted. • You should also be interviewed with an interpreter if you are not able to understand English, or have hearing and speech difficulties.
<p>Medical help</p>	<ul style="list-style-type: none"> • You should tell the police if you feel ill, need medicine or have an injury. They will arrange for a healthcare professional to see you free of charge. • You may be allowed to take your own medicine but the police will have to check first.

	<ul style="list-style-type: none"> • If you tell the healthcare professional that you have a mental health problem, they will decide whether you can stay in the police station and be questioned. • It is important that you tell them how you feel and whether you feel well enough to be questioned.
<p>See the rules that the police must follow</p>	<ul style="list-style-type: none"> • The police have to follow rules which are written in the Police and Criminal Evidence Act 1984 (PACE 1984). There is guidance about the law in the PACE codes of practice. • These rules include when the police can stop and search and how they must record interviews. • One of the codes (PACE Code C) relates to how the police must treat you when you are in the police station. You can read more about Pace Code C on the Gov.uk website. • You can ask to see these codes while you are at the police station and you must be allowed to see them.
<p>Have an appropriate adult with you</p>	<ul style="list-style-type: none"> • If you are ‘mentally vulnerable’, the police should find an appropriate adult for you. • An appropriate adult will protect your welfare and make sure that you understand the information. • They can ask for a legal adviser for you and will help you communicate with them and the police. • An appropriate adult is different to a legal adviser. A legal adviser will give you advice about the law and the crime that you have been accused of committing. • An appropriate adult could be a family member, friend, carer, social worker, health care professional, charity worker or a specialist. They could be paid or voluntary. • They are not bound by legal privilege, so that means anything you say to them in private is not confidential and they can be questioned as a witness by the police, or in court, about what was discussed.

What if I need support for my mental health?

It is important that you tell the police and professionals that you have a mental health problem so that you receive the right care and support. What kind of support you get will depend on your circumstances. For example, you may:

- need to take medication regularly
- have mental health difficulties (in which case the police must call an [appropriate healthcare practitioner](#) to assess whether you are fit to be interviewed or detained).

The custody officer or your solicitor can ask for an assessment by the [Liaison and Diversion](#) service. You can also ask for an assessment yourself.

You can find out more about Liaison and Diversion services from the [NHS England website](#).

Example

Jason has been accused of shoplifting. He was taken to a local police station. He told the custody officer that he has [schizophrenia](#) and needs to take regular medication. He was seen by a doctor who confirmed that he was well enough to be interviewed and made arrangements for him to receive his medication.

He also got legal advice from the [duty solicitor](#) and was supported by an [appropriate adult](#).

What happens after questioning?

What happens next depends on your situation. This section covers the following options:

- [The police don't charge you](#)
- [The police investigate the case](#)
- [You are charged with an offence](#)

The police don't charge you

The investigation could finish without you being charged, in one of the following ways:

- **No further action (NFA).** If there is not enough evidence the police may decide not to charge you and no further action will be taken. This may show up on a security check if you are [applying for job that requires a DBS check](#).
- **Caution.** You may be offered a caution or have to pay a fine if you admit the charge and the offence was minor. These will go on your criminal record and will [show up on a DBS check](#) when applying for a job.
- **Fixed penalty notice / penalty notice for disorder.** You may have to pay a fine if you admit the charge and the offence was minor. These will go on your criminal record and will [show up on a DBS check](#) when applying for a job.
- **Go to hospital.** You may go to hospital either as a [voluntary patient](#) or [sectioned](#) under the Mental Health Act. The police could continue to investigate even if you are in hospital, or they could decide to drop the case.

The police investigate the case

While police are investigating the case, but before they have charged you with an offence, one of the following things might happen:

- **You are released on bail.** This means you may have to return to the police station at a later date. Also there may be conditions that you need to follow, for example to live at a named address. You may be arrested again if you don't comply with these conditions. The police can only release you on bail if it is 'necessary and proportionate'. If not you must be released without bail. You can only be kept on bail for 28 days after arrest without being charged, but this can be extended to three months in complex cases.
- **You are released under investigation** (often referred to as 'RUI'). This is different to being released on bail as you will not have to comply with any conditions.
- **You may go to hospital** either as a [voluntary patient](#) or [sectioned](#) under the Mental Health Act.

You are charged with an offence

After investigating the case the police and the Crown Prosecution will decide whether to charge you with an offence.

For information what happens after you are charged see our legal pages on [mental health and the courts](#).

Example

Harry is a 68 year old with no previous history of mental health problems and no criminal history. He was arrested for assaulting a stranger.

At the police station he was assessed by the appropriate healthcare practitioner (AHCP). The AHCP raised concerns but thought he was well enough to be interviewed and kept in a police cell. The custody sergeant spoke to the liaison and diversion team who carried out a Mental Health Act assessment, and he was detained under section 2 for assessment. He was diagnosed with dementia with psychotic symptoms.

In light of him being sectioned he was not interviewed, and the police decided to take no further action in relation to the assault. His local community mental health team (CMHT) provided support once he was discharged into the community.

How can I complain about the police?

If you are unhappy with the way the police treated you, you can:

- [make a complaint online via the police website](#), or
- go to your local police station and ask to see the [duty officer](#).

You should report your concerns **within 12 months** of the incident. However if you think you've been discriminated against you may have to bring a claim within 6 months of the incident (for more information see our legal pages on [disability discrimination](#)).

Most complaints will be dealt with by the local police force. You can complain:

- In person at the police station.
- In writing to the police station.
- Online through your local police force's website. Links to local websites can be found [online here](#).

However, serious complaints will be referred to the [Independent Office for Police Conduct \(IOPC\)](#) (formerly called the the Independent Police Complaints Commission).

If you are not happy with the outcome, you will be told about how you can appeal the decision.

Tips for making a complaint

Here are some helpful tips when making a complaint:

- Date the letter of complaint.
- Include your name and address.
- Give a clear account of what happened and what went wrong.
- Include all the relevant facts such as dates and names, but try to keep the letter concise.
- Attach copies of relevant documents or photographs, and list the items enclosed in the letter.
- Explain what you are asking for, for example, an apology, better service or an explanation.
- Keep the tone polite.
- Include when you'd like a reply by.
- Keep a copy of the letter and any enclosed documents.
- Send the letter by recorded delivery.

Useful contacts

Mind's services

- **Helplines** – all our helplines provide information and support by phone and email. Our Blue Light Infoline is just for emergency service staff, volunteers and their families.
 - Mind's Infoline – 0300 123 3393, info@mind
 - Mind's Legal Line – 0300 466 6463, legal@mind
 - Blue Light Infoline – 0300 303 5999, bluelightinfo@mind
- **Local Minds** – there are over 140 local Minds across England and Wales which provide services such as [talking treatments](#), [peer support](#), and [advocacy](#). [Find your local Mind here](#), and contact them directly to see how they can help.
- **Elefriends** is a supportive online community for anyone experiencing a mental health problem. See our [Elefriends page](#) for details.

Who else could help?

Civil Legal Advice

0845 345 4345

gov.uk/civil-legal-advice

The Civil Legal Advice can tell you if you're eligible for legal aid and can give you free and confidential legal advice in England and Wales.

Independent Office for Police Conduct (IOPC)

policeconduct.gov.uk

0300 020 0096 – press 2 at prompt (Monday to Friday, 9am to 5pm)

Oversees the police complaints system in England and Wales. (Formerly called the Independent Police Complaints Commission)

The Law Society

020 7242 1222 (England)

029 2054 5254 (Wales)

lawsociety.org.uk

The Law Society provides details of solicitors you can get in touch with for specialist legal advice.

Legal aid checker

legal-aid-checker.justice.gov.uk

Tells you whether you are entitled to free legal advice, and where you can find legal advisors that specialise in criminal law (England and Wales).

Revolving Doors Agency

020 7407 0747

admin@revolving-doors.org.uk

revolving-doors.co.uk

England-based charity that works to improve services for people with multiple problems, including poor mental health, who are in repeat contact with the criminal justice system.

Where can I get support?

Find an advocate

An advocate is a person who can both listen to you and speak for you in times of need. Having an advocate can be helpful in situations where you are finding it difficult to make your views known, or to make people listen to them and take them into account.

For information on advocacy services and groups in your area, you could start by contacting the [Mind Legal Advice Line](#) and your [local Mind](#).

Read more about [how advocacy might help you](#).